



MMP Note on the Zero Draft of the Global Compact for Safe, Orderly and Regular Migration

Amman, Jordan, February 12, 2018 – On February 5th, the co-facilitators of the Global Compact for Safe, Orderly and Regular Migration released the “zero draft” with 22 core commitments. The intergovernmental Compact(s) process, and the zero draft, present a crucial step towards ensuring that migrants, whether seeking a better life or escaping violence and poverty, can do so in a safe, predictable, and orderly manner. Commitments in the zero draft towards family reunification, and increased regular pathways, including labour mobility schemes at all skills levels, are especially welcome.

A number of significant points of concern, however, still remain. This preliminary note is intended to offer a regional perspective from the Middle East and Europe on the zero draft, as seen from a mixed migratory lens. This note, while considering the Global Compact for Safe, Orderly and Regular Migration (GCM), also takes into account the Global Compact on Refugees (GCR), released on January 31st, and the need for complementarity between the two Compacts.

The need to recognise all migrants as agents of change:

- While the Compact acknowledges the reality of migration as part of human existence, it falls short of a commitment for all people to be able to seek better lives outside their home countries in safety and dignity. Despite proposing some additional pathways for regular migration, labour migration remains the primary channel for movement in the GCM, implicitly valuing migrants only so far as their immediate labour worth to host nations – even if at all skills levels. Tied as this Compact is to the Sustainable Development Agenda, the consulting parties must be reminded of their earlier commitments to allow people to meet their full human potential, and the acknowledgment that sustained and inclusive economic growth – which is essential for global prosperity – can only be possible when wealth is shared, and the human agency of all people is recognized in its fullness.
- Whilst being a consultative process, migrants’ own voices are largely absent from the zero draft. Their needs, aspirations, and right to seek better opportunities for themselves should be fully articulated. The GCM recognises migrant girls, women, men, and boys as agents of change and should therefore also commit to providing a tangible platform for their voices in a process that affects them more than anyone else.

- Large unregulated markets such as those for sex workers and domestic workers in the Middle East and Europe which are fed by the most vulnerable of migrants will continue to pose serious protection risks if alternative pathways to these groups are not offered as well. Addressing these socio-economic realities from a narrow perspective of criminalization alone is not likely to address the underlying economic drivers at play. The Compact process has, thus far, failed to reckon with this. Moving forward, it must show innovation and foresight in tackling deeply entrenched shadow economies of transnational mobility.

The need for curbing externalised approaches to migration governance:

- The emphasis of the zero draft is too heavily focussed on mitigating initial movement from country of origin, and too little on creating greater opportunities in host countries with the resources to do so. The ‘root cause’ approach to migration and development carries the implicit categorization of migration as a ‘problem’ to be solved rather than a phenomenon natural to humanity and therefore risks a continued under-preparedness in host countries. It is worth noting also that recent evidence suggests that economic development in countries of origin often leads to further emigration, not less (at least in the short-medium term). States should ensure that they are improving their capacity to receive migrants and supporting them to reach their human potential, preferably redirecting resources from unproductive securitization and externalization measures.
- Though committing to a human rights-based approach to detention, the Compact leaves room for a broad interpretation of states’ prerogative to detain migrants as a last resort. In line with the *Report of the Special Rapporteur on the human rights of migrants on a 2035 agenda for facilitating human mobility*, the GCM should make a stronger commitment to abolishing mandatory detention of migrants and to end the use of detention as a border management and deterrence tool against migrants.
- Both the GCM and GCR fail to reaffirm the right to leave a country, including one’s own, in accordance with the *Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights*. Ongoing externalization practices of European Union member states have had varying degrees of detrimental impact on the right to leave, in both countries of transit and origin. This principle should be reaffirmed.
- Evidence from the Middle East and the Eastern Mediterranean migratory routes towards Europe continues to point at on-going violations of the principle of *non-refoulement*. It is a troubling sign that both the GCM and GCR fail to make any direct reference to this principle, risking a significant gap in the protection of populations moving in mixed migratory flows.

The need for going beyond data collection to counter anti-migration narratives:

- Despite already existing and increasing evidence on the topic, too little has been done by governments to date on the stated goal for ‘citizens to have access to objective, clear information of the benefits and challenges migration creates rather than misleading narratives’. While increased efforts towards further reliable and robust data collection are welcome, political follow-up remains weak and non-committal. Data collection must be linked to tangible commitments from state parties in addressing xenophobia and enhancing protection of migrants.

- In the absence of comprehensive and mandatory safeguards, data collection and the universal institution of identification cards for migrants, as proposed in the zero draft, carry the inherent risk of being instrumentalised as tools of discriminatory policing, profiling, and of the loss of liberty in already fractured and unwelcoming host societies. The Compact should include additional provisions for such safeguards.
- Data alone cannot serve as evidence or guidance. The Compact must also address the challenges posed by the proliferating, and often disparate, state-level policies and procedural responses to mixed migratory flows. Promoting the monitoring and documentation of these policy measures, fostering coherence among national policies, and eliminating parallel, multiple, and discriminatory migration management regimes will be essential for addressing negative exclusion effects, as well as protection and access gaps for migrants, especially ones that are in the minority.

The need for balancing cooperation at the local and global levels:

- Recognising that migration is a global phenomenon that requires unified action, the consultation process has demonstrated that numerous successful migration initiatives also occur at the local level. The value of regional and local knowledge in responding to the nuances and specificities of migration-related challenges and opportunities must not be overlooked in the Compact. The role of local governments and civil society groups at the forefront of migration response in large urban centres in particular must also be emphasized and integrated in the actionable commitments of the Compact.

It is hoped that the intergovernmental consultative process on the Global Compact for Safe, Orderly and Regular Migration will address these gaps, in addition to addressing further inputs from other regional and international civil society and non-governmental groups during the first half of 2018. While recognizing the imperatives of a broad consensus, it is also expected that the Compacts process will provide more concrete and actionable commitments for a world in which all people can enjoy international mobility without putting their lives and liberty at risk.

About the MMP

The Mixed Migration Platform (MMP) is a joint-NGO initiative providing quality mixed migration-related information for policy, programming and advocacy work, as well as critical information for people on the move. The platform was established as a knowledge hub for Middle East & Europe by seven partners – ACAPS, REACH, INTERSOS, Danish Refugee Council (DRC), Ground Truth Solutions, Internews & Translators Without Borders (TWB) – and is coordinated by the Danish Refugee Council from its regional office in Amman, Jordan.

For more information visit: mixedmigrationplatform.org

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Cover photo: A group of children posing for a photo in Ma'an, Jordan. Photo courtesy of The Danish Refugee Council. August 2017.